[Introduction] Resistance in intellectual history and political thought

Article (Accepted Version)

Resistance in Intellectual History and Political Thought

Editor's Introduction

Iain McDaniel (University of Sussex)

I.R.McDaniel@sussex.ac.uk

Recent citizen movements in Europe, the United States and the Arab World have prompted a revival of interest in resistance, as both a practice and a civic ideal. Yet contemporary political theory offers no clear perspective on the various meanings of resistance, its legitimacy or its limits. "Resistance to oppression" was listed as one of the "natural and imprescriptible rights of man" in the 1789 French Declaration of the Rights of Man and the Citizen, and in this guise the "right to resist" appears as one of the essential components of modern democratic citizenship.[1] Republican thinkers have long stressed active civic resistance as a resource against arbitrary domination and tyranny. Yet canonical theorists such as Thomas Hobbes and Immanuel Kant argued that a right of resistance to sovereign power threatens to undermine the basis for a durable legal and political order, unleashing an anarchical world in which legitimacy and sovereignty are rendered dependent upon individuals' private judgements.[2] These difficulties are compounded by yet others, not all of which are specific to the world since the French Revolution. What problems are involved in resisting democratically-legitimated governments, to which citizens have ostensibly given

[1] For an English translation of the 1789 text, along with valuable essays on its context and content, see Dale van Kley, ed., *The French Idea of Freedom: The Old Regime and the Declaration of Rights of 1789* (Stanford, CA., Stanford University Press, 1994). For more detailed consideration of the right to resist oppression, see Micah Alpaugh, "The Right of Resistance to Oppression: Protest and Authority in the French Revolutionary World", *French Historical Studies*, 39:3 (2016), 567-589; François Charbonneau, "Institutionnaliser la droit à l'insurrection. L'article 35 de la constitution montagnarde de 1793", *Tangence*, 106 (2014), 93-112.

[2] For nuanced correctives of this standard view of Hobbes, see Glenn Burgess, "On Hobbesian Resistance Theory", *Political Studies*, 42 (1994), 62-83; Susanne Sreedhar, *Hobbes on Resistance: Defying the Leviathan* (Cambridge: Cambridge University Press, 2010). See also Deborah Baumgold, *Contract Theory in Historical Context: Essays on Grotius, Hobbes, and Locke* (Leiden and Boston: Brill, 2010), ch. 2, 27-49. On Kant, see especially Reidar Maliks, *Kant's Politics in Context* (Oxford: Oxford University Press, 2014), 112-143; see also Lewis W. Beck, "Kant and the Right of Revolution", *Journal of the History of Ideas*, 32:3 (1971), 411-22; Peter Nicholson, "Kant on the Duty Never to Resist the Sovereign", *Ethics*, 86:3 (1976), 214-230. For a broader view, see Sankar Muthu, "Productive Resistance in Kant's Political Thought: Domination, Counter-Domination, and Global Unsocial Sociability", in Katrin Flikschuh and Lea Ypi, eds., *Kant and Colonialism: Historical and Critical Perspectives* (Oxford: Oxford University Press, 2014), 68-96.

their consent? To what extent do our religious and ethical commitments offer justifications for resistance, and what happens if these do not coincide? How might we reconceive resistance in the light of the limitations on political sovereignty and individual agency that have been exposed by economic globalisation and by the rise of powerful, multinational corporations? How should we conceive resistance at the international level, and in the context of vastly unequal national and colonial struggles against imperial power?

The articles collected in this Special Issue do not provide answers to all these questions, and we certainly do not aim to supply a comprehensive intellectual history of resistance. Nor do we seek to arrive at anything like an essentialist definition of the term. Rather, the aim has been to offer a sequence of snapshots of how resistance has been conceived in a variety of historical and intellectual contexts (albeit limited to Europe and North America) over a relatively extended time-frame. As regular readers of *History of European Ideas* hardly need reminding, resistance did not begin in the mid-twentieth century, with the Nazi occupation of France or with the struggles of formerly colonised nations throwing off the shackles of European colonial rule. Debates about resistance have been central to political thought throughout the entire period between the Protestant Reformation and the early twenty-first century. The following articles share a common ambition to understand the complexities of political thinking about resistance over this *longue durée*, and to grasp the ways that resistance has interacted with conceptions of religious authority and heresy, Enlightenment, republicanism and monarchism, rights (natural, human and civil), democracy, revolution, representation, race, and freedom. Several contributors relate historical debates about resistance to contemporary puzzles in political thought. One outcome has been to show that answers to the questions of who resists, and what requires resisting, have varied considerably across time and space. But it is also worth noting that certain conceptual dilemmas have tended to recur – in part because thinkers have proved willing to adapt older intellectual resources in confronting novel situations.

Intellectual history tends to be most powerful in challenging preconceptions about the essential meaning of political concepts, and this seems particularly true for the idea of resistance. As is often noted, resistance is a term that seems impervious to stable definition.[3]

[3] See e.g. Howard Caygill, *On Resistance: A Philosophy of Defiance* (London: Bloomsbury, 2013), 6-9.

The term has a number of conceptual neighbours which are not quite its synonyms, and sometimes even function as its antonyms: dissent, rebellion, opposition, revolt, insurrection, revolution, protest, civil disobedience, conscientious objection. It can even shade into terrorism – depending (of course) on your point of view. Untangling these terminological distinctions, as is shown in several of the following articles, can provide a clearer picture of what resistance has meant in specific contexts. But resistance is multivalent in a deeper sense. As this collection suggests, the language of resistance has been put to many different purposes, and cannot straightforwardly be equated with specific intellectual traditions (such as Protestantism, or republicanism) or with a fixed position on the political spectrum. Resistance can be an activity of conservatives as much as of radicals: as the German communist, Joseph Weydemeyer, reflected in 1852, "the terrorism of the Paris Commune and of the Committee of Public Safety alone succeeded in breaking the resistance of the feudal lords on French soil."[4] Such examples could easily be multiplied. Resistance can also take many different forms, ranging from great national insurrections against imperial states (such as the Dutch Revolt against Philip II's Habsburg Spanish monarchy), to the more solitary forms of defiance so movingly dramatized in Hans Fallada's 1947 novel of German resistance to the Nazis, *Jeder stirbt für sich allein*.[5]

One result of the following selection is to reveal this nuanced and sometimes ambivalent picture in detail. In her exploration of Catholic debates about resistance during the period of the French Wars of Religion, Sophie Nicholls warns against treating Catholic resistance theory as a simple plagiarism of a supposedly Calvinist template.[6] The picture she presents is altogether more complex: members of the Catholic League, such as the radical theologian, Jean Boucher, offered an alternative justification of resistance that focused centrally on the

[4] Joseph Weydemeyer, "Dictatorship of the Proletariat" [Jan 1st, 1852], trans. Horst Duhnke and Hal Draper, *Labor History*, 3:2 (1962), 214-17, at 217.

[5] On the political thought of Dutch resistance to Phillip II, see Martin van Gelderen, *The Political Thought of the Dutch Revolt, 1555-1590* (Cambridge, 1992), 110-65. Resistance to empires often drew upon the same intellectual resources used to justify resistance domestically; for an example of this, detailing the use of Suárez in legitimating the Spanish American Revolutions, see Maria Victoria Crespo, "The Concept and Politics of Tyranny and Dictatorship in the Spanish American Revolutions of 1810", *Redescriptions: Yearbook of Political Thought and Conceptual History*, 10 (2006), 87-114. For an English translation of Fallada's novel, see Hans Fallada, *Every Man Dies Alone*, trans. Michael Hoffman, with an afterword by Geoff Wilkes (New York, NY: Melville House Publishing, 2009).

[6] See Nicholls below, x. On Protestant resistance theory see Quentin Skinner, *The Foundations of Modern Political Thought, Volume Two: The Age of Reformation* (Cambridge: Cambridge University Press, 1978), 302-48; Robert M. Kingdon, "Calvinism and Resistance Theory", in J. H. Burns, ed., *The Cambridge History of Political Thought, 1450-1700* (Cambridge: CUP, 1991), 193-218.

relationship between *respublica* and *ecclesia*, and also between monarchy and papacy. But as Boucher's clash with William Barclay reveals, Catholics could also disagree radically among themselves on the question of legitimate resistance to monarchy, while there existed a host of different interpretations of resistance among monarchists.[7] One implication is that Barclay's catch-all category of "monarchomach" (king-killer) proved a blunt tool in capturing the complexities generated by Catholic theories of resistance in the period. Rémy Duthille, in his article, uses the examples of the eighteenth-century Rational Dissenters, Richard Price and Joseph Priestley, as a means of illuminating broader tensions over questions of political obligation in eighteenth-century Britain, famously exemplified by Edmund Burke's clash with Price over the legitimacy of the French Revolution. But here again, the divergence between Price and Burke does not map neatly onto clearly demarcated perspectives on resistance. As Duthille notes, and as recent work has also underlined, Burke's rejection of resistance in 1790 – "the practice of making the extreme medicine of the constitution its daily bread" – was not incompatible with his earlier defence of the rights of resistance and revolution, in both North American and East Indian contexts.[8] Here it is worth pondering that a commitment to such Enlightenment values as toleration or liberty of the press did not necessarily run parallel with a commitment to resistance. As Reidar Maliks' article reminds us, Kant was an author who combined arguments for the wide freedom of public discussion with a strict prohibition on any legal right to resist. Kant's famous motto for the policy of Frederick the Great – "*argue, as much as you want and about whatever you want, only obey!*" – neatly captures this disjunction.[9]

The following collection also tracks some major changes in perceptions of what exactly requires resisting. In the ancient world, the object of resistance was standardly assumed to be tyranny, and spectacular acts of tyrannicide – most obviously the assassination of Julius Caesar in 44BC – became part-and-parcel of republican and "monarchomach" theories of

[7] See Nicholls below, x.

[8] Duthille below, x. The quotation appears in Edmund Burke, *Reflections on the Revolution in France*, ed. with intro. by Conor Cruise O'Brien (London: Penguin, 1986), 154. On this point, see also Richard Bourke, "Edmund Burke on Popular Sovereignty and Representation", in R. Bourke and Q. Skinner, eds., *Popular Sovereignty in Historical Perspective* (Cambridge: CUP, 2016), 212-35, esp. at 228. See further Richard Bourke, *Empire and Revolution: The Political Life of Edmund Burke* (Princeton, NJ: Princeton University Press, 2015), esp. 698-700.

[9] Immanuel Kant, "An Answer to the Question: What is Enlightenment?", in James Schmidt, ed., *What is Enlightenment? Eighteenth-Century Answers and Twentieth-Century Questions* (Berkeley, CA.: University of California Press, 1996), 58-64. (Italics in original). Maliks, below, x.

resistance across early modern Europe.[10] This dimension has not gone unexplored in the articles of Nicholls and Duthille, although both complicate received understandings of how tyranny was identified, and how it was to be resisted. Nicholls' starting point is William Barclay's coinage of "monarchomach", a term which is *not* equivalent to that of tyrannicide. But she goes on to stress the distinctiveness of Catholic accounts of tyranny in the period after 1562 (the commencement of the French Wars of Religion): for authors like Boucher, resistance to tyranny was inseparable from resistance to heresy, and hence resistance took on the character of a Holy War.[11] Duthille also notes the centrality of tyranny and tyrannicide in his account of resistance among the late eighteenth-century dissenters: Priestley cited, and even celebrated, the Athenian tyrannicides Harmodius and Aristogeiton in his 1768 *Essay on the First Principles of Government*.[12] Historical examples of tyranny and regicide were, indeed, central to debates about resistance in eighteenth-century Britain, both among Whig resistance theorists and among those who were generally cautious about rights of resistance, including the Scottish Enlightenment thinkers David Hume and Adam Smith.[13] Going beyond this, however, Duthille's article alerts us to the neglected temporal dimension in accounts of resistance: discussions of *when* to resist oppression, and hence to arrest the emergence of full-blown tyranny, were historically significant. As Price argued against both Hume and Burke, delaying resistance to cases of extreme necessity could be fatal for the body politic because tyranny tends to establish itself gradually and imperceptibly.[14]

---

[10] Mario Turchetti, *Tyrannie et tyrannicide de l'Antiquité à nos jours* (Paris: PUF, 2001). See Cuttica also? We should note, however, that tyrannicide was not the only expression of resistance in antiquity: another significant example was the secession of the Roman plebeians to the *Mons Sacer* in the late fifth century BC, an episode which revolved around issues of debt and military service, and led to the creation of the plebeian tribunate. John Milton was prominent among those in seventeenth-century England who adopted classical (and biblical) arguments for resistance in justifying the regicide: for a helpful examination of the issues see Victoria Kahn, "The metaphorical contract in Milton's *Tenure of Kings and Magistrates*", in David Armitage, Armand Himy and Quentin Skinner, eds., *Milton and Republicanism* (Cambridge: CUP, 1995), 82-105.

[11] See Nicholls below, x.

[12] Joseph Priestley, *Essay on the First Principles of Government*, in *Political Writings*, ed. Peter N. Miller (Cambridge, 1993), 23. See Duthille below, x.

[13] For Hume's restriction of resistance to extraordinary emergencies, and his suggestion that the threat of tyrannicide simply increased the ferocity of tyrants, see David Hume, "Of passive obedience", in Hume, *Political Essays*, ed. Knud Haakonssen (Cambridge: CUP, 1994), 203. For Smith's claim that resistance was a doctrine of "reason and philosophy" but not of "Nature", see Adam Smith, *The Theory of Moral Sentiments*, ed. D. D. Raphael and A. L. Macfie (Oxford: Clarendon Press, 1976), I.iii.2.3 (53).

[14] Duthille, below, x.

Yet monarchical tyranny has never been the sole criterion of legitimate resistance, and this seems particularly true for the period since the American and French Revolutions. It has recently been shown, for instance, that the "patriot royalists" of the American Revolution directed their resistance against the British imperial parliament, as distinct from the infamous "tyranny" of George III.[15] The related problems of resisting popular power and legislative despotism also feature in my own article on Benjamin Constant and Alexis de Tocqueville, which seeks to detail some of the ways in which resistance was reconceptualised in the light of the French revolutionary Terror and Napoleon's imperial regime. I suggest that Constant was exercised by the problem of resisting the potential for oppression latent in "plebiscitary" republics, and that Tocqueville saw a need to resist some of the more nebulous features of modern egalitarian democracies, most notably the conformist pressures exerted by majority opinion.[16] The meanings of resistance were further expanded in the course of the nineteenth and twentieth centuries, as thinkers and actors added forms of imperial, economic, racial and sexual domination to the traditional list of entities that demanded resistance.[17]

The contributions of Caroline Ashcroft and Lawrence Hamilton shed further light on different aspects of these shifts. As Ashcroft details, Hannah Arendt's account of civil disobedience was formulated in the context of the American civil rights movement, the war in Vietnam, the growing influence of secret agencies, and disagreement about the use of violence in the post-colonial resistance struggles. Arendt thus addressed an American ideological context in which a combination of racist, capitalist and imperial structures were being identified – notably by James Forman, the African American civil rights leader – as an urgent focus of resistance, although Arendt rejected both Forman's endorsement of violence and what she perceived as his reductionist appeal to race.[18] A key figure here was Franz Fanon, whose endorsement of political violence was targeted by Arendt in her 1969 essay *On Violence*.[19] (Yet as Ashcroft shows, Arendt's views on the use of violence were more nuanced than is

---

[15] Eric Nelson, *The Royalist Revolution: Monarchy and the American Founding* (Cambridge, MA: Belknap Press, 2014), esp. 153-4.

[16] See McDaniel, below, x.

[17] The literature on all these topics is enormous. The problem of women's resistance to domestic tyranny is addressed in John Stuart Mill, *The Subjection of Women* [1869], in Mill, *On Liberty and other writings*, ed. Stefan Collini (Cambridge: CUP, 1989), 152-3.

[18] Ashcroft, below, x. Arendt's target here was James Forman, "The Black Manifesto", *Africa Today*, 16:4 (1969), 21-25.

[19] Hannah Arendt, *On Violence* (Orlando, FL: Harcourt Books, 1970). See also Elizabeth Frazer and Kimberly Hutchings, "On Politics and Violence: Arendt Contra Fanon", *Contemporary Political Theory*, 7:1 (2008), 90-108.

usually recognised). Hamilton's article indicates further ways in which the scope of resistance might be expanded, this time in the light of the weaknesses of an excessively procedural notion of representative democracy. Building on his account of freedom-as-power, Hamilton argues that resistance is required in modern states because established forms of democratic representation have proved inadequate in the face of racial, patriarchal and capitalist sources of domination. Hamilton's emphasis on the capacity or power to act implicitly draws on a genealogy of resistance that includes the towering figures of anti-colonial and anti-apartheid struggles: Fanon (also an influence on Forman), Amílcar Cabral, and Nelson Mandela.[20] Both Ashcroft and Hamilton also raise the thorny issue of how we should think about resistance or dissent in a consent-based or representative political order (although their answers to that question differ markedly).

It is worth underlining at this point that theories of resistance have been articulated in many different political languages, in the sense that this term has been used by J. G. A. Pocock.[21] Resistance has often been conceptualised in the language of natural rights and natural law, notwithstanding the different inflections these languages received in the work of John Locke, Thomas Jefferson, Richard Price, and the marquis de Condorcet.[22] In this guise resistance was often premised on a contractualist account of political obligation, and it is no accident that critics of social contract theory, from Hume to Jeremy Bentham, often regarded any right to resist with caution, if not downright scepticism.[23] The natural-legal dimension is explored

[20] See also Lawrence Hamilton, *Freedom Is Power: Liberty Through Political Representation* (Cambridge: CUP, 2014). Mandela's own thinking about the use of violence in the South African freedom struggle (a violence which he carefully differentiated from terrorism) is clearly articulated in his statement from the dock at the Pretoria Supreme Court on 20 April 1964; see Nelson Mandela, "Second Court Statement, 1964", in Mandela, *The Struggle is My Life* (New York, NY: Pathfinder Press, 1986), 161-81.

[21] See especially J. G. A. Pocock, "The concept of a language and the *metier d'historien*: some considerations on practice", in Anthony Pagden, ed., *The Languages of Political Theory in Early-Modern Europe* (Cambridge: CUP, 1987), 19-38.

[22] On Locke and resistance see Julian Franklin, *John Locke and the Theory of Sovereignty: Mixed Monarchy and the Right of Resistance in the Political Thought of the English Revolution* (New York: Cambridge University Press, 1978); John Marshall, *John Locke: Resistance, Religion and Responsibility* (Cambridge: Cambridge University Press, 1994). For salutary scepticism towards standard images of Locke as a "theorist of resistance and revolution," see Timothy Stanton, "Authority and Freedom in the Interpretation of Locke's Political Theory", *Political Theory*, 39:1 (2011), 6-30. The major statement of the natural rights interpretation of the American Revolution remains Michael Zuckert, *The Natural Rights Republic: Studies in the Foundations of the American Political Tradition* (Notre Dame, IN: University of Notre Dame Press, 1996). On Condorcet and the right of resistance, see David Williams, *Condorcet and Modernity* (Cambridge), esp. 66-68.

[23] This is not to say that there were no differences between Hume's and Bentham's perspectives on resistance: see Hume, "Of passive obedience," esp. 202-03; Jeremy Bentham, *Rights, Representation,*

here most thoroughly in the contribution of Reidar Maliks, who shows that German Enlightenment debates about resistance, from Christian Wolff and Gottfried Achenwall to Immanuel Kant and his followers, turned fundamentally on diverging conceptions of natural law, the social contract and the purpose of the state.[24] Yet there were many ways in which resistance theory broke free of contractualist and rights-based vocabularies of political obligation. One alternative language was that of civic virtue. As Duthille emphasises, Price was a reader of Locke who also appealed to the republican ideal of the armed citizen – exemplified in the Swiss, Corsican and Dutch republics – as a prerequisite of effective resistance. Duthille also notes that resistance could be framed in a historiographical register, in this case around competing Whig historiographies of seventeenth-century England between the regicide and the Glorious Revolution.[25] This Special Issue traces several further languages in which discussions of resistance were worked out. My own contribution deals with the idea of resistance in early nineteenth-century French liberalism (however problematic that term might be), and it is interesting to note that an echo of this appears in Ashcroft's account of Arendt, who drew from Tocqueville.[26] Hamilton's article is clearly indebted to republican perspectives on resistance, although his own argument represents a challenge to a republicanism that leaves questions of powers and capacities underexamined: an ethic of contestatory citizenship, we might say, is not enough.[27] One path we have not attempted to pursue here, but which would repay careful historical study, is that of socialist and Marxist languages of resistance from the first half of the nineteenth century onwards. Such a project would pay due attention to Marx's own deployment of the vocabulary of insurrection, resistance and revolution in his accounts of such epochal events as the June Days of 1848 and the Paris Commune of 1871, but it would also consider the transformations

---

and Reform: Nonsense upon Stilts and other Writings on the French Revolution, ed. P. Schofield, C. Pease-Watkin, and C. Blamires (Oxford, 2002), 317-401; for discussion see Philip Schofield, "Jeremy Bentham's 'Nonsense upon Stilts'", *Utilitas*, 15:1 (2003), 1-26.

[24] The emphasis on natural law (*Naturrecht*) is sustained in studies which take the story of German resistance theory into the nineteenth century; see e.g. Michael Köhler, *Die Lehre vom Widerstandsrecht in der deutschen konstitutionellen Staatsrechtstheorie der 1. Hälfte des 19. Jahrhunderts* (Berlin: Duncker & Humblot, 1973). See also Maliks, *Kant's Politics in Context*, 112-43.

[25] For Whig resistance theories in the immediate aftermath of 1688, see Lois G. Schwoerer, "The right to resist: Whig resistance theory, 1688 to 1694", in Nicholas Phillipson and Quentin Skinner, eds., *Political Discourse in Early Modern Britain* (Cambridge: CUP, 1993), 232-52.

[26] On the intellectual history of French liberalism, see the excellent collection of articles in Raf Geenens and Helena Rosenblatt, *French Liberalism from Montesquieu to the Present Day* (Cambridge: Cambridge University Press, 2012). On Arendt's use of Tocqueville, see Ashcroft below, x.

[27] Hamilton, below, x.

of the category of resistance as freedom and slavery were rethought in the light of more impersonal, structural forms of domination latent within capitalism.[28]

Despite these twists and turns in theorising resistance, this Special Issue does show that certain conceptual conundrums and preoccupations have tended to recur, sometimes over long spans of time. One of these, for instance, revolved around the precise definition of "the people," an entity whose role in initiating and legitimising resistance was always controversial. The boundaries of the category of the people, and the extent to which the people (or their representatives) could actively resist, were major preoccupations in the best-known texts of early modern resistance theory, such as the *Vindiciae Contra Tyrannos* or François Hotman's *Francogallia*.[29] As Nicholls shows in her article, Catholic thinkers like Boucher were equally sensitive to this issue, seeking to delimit the "prudent multitude" from the "many-headed monster" of the crowd, and thus ruling out direct popular action against tyrants.[30] Similar concerns about the boundaries of the category of the people appeared in Price's and Priestley's criticisms of the incomplete character of the Glorious Revolution. As Duthille points out, while neither Price nor Priestley wished to extend the right of resistance indiscriminately to the "mob," they did seek to extend the boundaries of the political nation to a limited extent through extensions to the franchise.[31] Ashcroft's account of Arendt's critique of Forman points to a slightly different set of concerns: the danger that some subsection of "the people" might block the essential plurality and equality upon which, for Arendt, a viable politics of civil disobedience necessarily depended.[32] Hamilton opens up this theme in a different direction by underlining the significance of different conceptions of popular representation for the understanding of resistance. Historical tensions in conceiving of the

[28] Recent studies which have drawn attention to the republican dimensions of Marx's account of domination provide clues to how resistance might be reconceived. As William Clare Roberts summarises, Marx saw that "commercial anarchy embodied and promulgated a condition of lawlessness and domination, which individuals could not be expected to resist, and which therefore had to be regulated by a new set of institutions, inaugurating a new freedom." See William Clare Roberts, *Marx's Inferno: The Political Theory of Capital* (Princeton, 2016), 59. For the American context, see Alex Gourevitch, *From Slavery to the Cooperative Commonwealth: Labor and Republican Liberty in the Nineteenth Century* (Cambridge: CUP, 2014). See also the discussion of Marx on resistance in Caygill, *On Resistance*, 30-41.

[29] Stephanus Junius Brutus, the Celt, *Vindiciae, Contra Tyrannos: or, concerning the legitimate power of a prince over the people, and of the people over a prince* [1579], ed. George Garnett (Cambridge, 1994), xxxiv-xxxv, 60-66, 147-50, 172. For further commentary, see Skinner, *Foundations of Modern Political Thought*, 2:302-18.

[30] See Nicholls, below, x.

[31] Duthille, 10-11.

[32] See Ashcroft, 22.

people – either as the collective of all citizens or as a sectional group of poorer citizens – also run through Hamilton's discussion of resistance in invigorating representative democracies.

Another cluster of issues that has featured repeatedly in this collection has been the relationship between resistance and revolution or, from a different perspective, between resistance and the maintenance of constitutional order. Perhaps the most famous attempt to integrate resistance within an existing constitutional structure was that made by the marquis de Condorcet in the 1790s, an attempt that earned Condorcet a predictably critical response in Carl Schmitt's *Die Diktatur*. For Schmitt, the idea of institutionalising resistance was a typically inadequate liberal evasion: "Insofar as one 'organises' it, one denaturalises it; as soon as one rationalises it, it remains rationed."[33] Several of the following articles highlight the interest generated by questions of resistance's connection to revolution and constitutional order. Duthille, for instance, notes that one problem facing "Court Whig" thinkers, unlike the Dissenters, was that of endorsing the events of 1688-89 while simultaneously seeking to downplay the legitimacy of revolutionary resistance in Hanoverian Britain.[34] It has been argued elsewhere that this represents a recurrent dilemma for all post-revolutionary regimes: strong claims about resistance to oppression are all-too-readily renounced once a revolutionary government is firmly ensconced in power.[35] While in some sense this issue was present in Kant's reflections on both 1688 and the French Revolution, the main object of debate in Germany was rather different.[36] As Maliks shows, mid-eighteenth-century German thinkers like Wolff and Achenwall justified a "legal" right to both resistance and revolution on consequentialist grounds. It was precisely this claim that Kant sought to demolish, since admitting any "legal" right to assess the rectitude of government amounted to the unravelling of the legal constitution itself.[37]

These concerns about the relationship between resistance and constitutional order also play out in the three final contributions. My own article briefly considers Constant's anxieties

---

[33] Carl Schmitt, *Dictatorship: From the origin of the modern concept of sovereignty to proletarian class struggle*, trans. Michael Hoelzl & Graham Ward (Cambridge: Polity Press, 2014), 277, n.
[34] Duthille, below, x.
[35] See Charbonneau, "Institutionnaliser la droit à l'insurrection", esp. 93-94.
[36] Kant discussed the English experience in 1688, and praised the fiction of a "voluntary abdication" of James II, in Immanuel Kant, "On the Common Saying: 'This May be True in Theory, but it does not Apply in Practice'", in Kant, *Political Writings*, ed. H. S. Reiss (Cambridge: CUP, 1991), 61-92, at 83-4.
[37] Maliks, below, x.

about the delicate judgements involved in any call to revolutionary resistance, but focuses more fully on the extent to which both he and Tocqueville sought to institutionalise forms of opposition within the design of modern polities, which they perceived as necessary in light of centrifugal tendencies towards the centralization of state power.[38] Ashcroft offers a detailed examination of how Arendt conceived of the relationship between resistance and constitutional legitimacy. She argues that Arendt's position was less tamely constitutionalist than is often assumed, and to some extent opened up a path towards genuinely revolutionary political action, so long as certain guiding principles (publicity; plurality) remained in place.[39] Hamilton also confronts questions about the possible means and implications of institutionalising resistance, addressing Sheldon Wolin's argument that representative institutions tend to make for democracy's attenuation.[40] But Hamilton concludes that modern democracies can and must incorporate a capacity for resistance within their constitutional design. A key inspiration for his argument lies in a recovery of aspects of republican thought, including the plebeian tribunate (as presented by Machiavelli) and a framework for constitutional revision (as conceived by Condorcet).[41]

The following articles were first presented at a conference on the theme of "Resistance in Intellectual History and Political Thought," held at the University of Sussex in September 2016. The relevance of the topic has shown little sign of diminishing since then, as resistance continues to be practised, articulated and debated in a wide variety of domestic and international settings. Some of these are hopeful, others appear to be tragic. What is clear from the current situation is that resistance remains central to modern politics, but that its meaning remains unusually controversial. (This seems to be true even when one compares resistance with other notoriously contested terms in our political vocabulary, such as "liberty" or "state"). What we have tried to highlight here is the multifaceted character of historical discussions of resistance, the competing intellectual resources that were brought to bear upon the problem, and the complexity of interactions between resistance and broader conceptions of political, ethical, and religious life. Such a project, obviously, cannot provide guidance for the negotiation of the ethical, legal and strategic dilemmas that inevitably accompany

[38] McDaniel, below, x.
[39] Ashcroft, below, x.
[40] Hamilton, below, x. See Sheldon Wolin, "Fugitive Democracy", *Constellations*, 1:1 (1994), 11-25.
[41] For discussion of how Condorcet's institutional proposals relate to a theory of representative democracy, see Nadia Urbinati, *Representative Democracy: Principles and Genealogy* (Chicago: University of Chicago Press, 2006), 176-221.

contemporary resistance struggles, but it can, I think, sharpen our understanding of what may be at stake.